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judging the patentability of that claim against the prior art.” *Id.* (quoting *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (CCPA 1970)). Furthermore, if an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *Id.* (citing *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988)). Additionally, the Examiner may not use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Claims 1, 2, and 4-15

Some of the recited features of independent claim 1 that are not taught, suggested, or disclosed by the Raffman reference are:

a first and a second catch member moveably secured to the chassis, wherein the first catch member is disposed on the interior of a *first* sidewall of the chassis to secure the first latch member and the second catch member is disposed on the interior of a *second* sidewall of the chassis, opposite the first sidewall.

In the Response to Arguments portion of the Office Action, the Examiner stated that: “The Applicant’s argument that the locking hooks of Raffman are not disposed on the interior is not persuasive. The locking hooks 77, 74 as seen in figure 3 are interior with respect to an outermost edge of the body (top most portion of 23 in figure 3).”

The Raffman reference discloses a cassette 23 having a hollow or solid metal or bounding frame 24. Each of the slidable locks 74 has a hook portion 77 for hooking a latch projection 90 on the cover or door 37. Both slidable locks 74 are disposed within the same portion of the frame 24. See Fig. 1. Assuming, arguendo, that one of the slidable locks 74 is disposed on the interior of a *first* sidewall of the cassette 23, then the other slidable lock 74 cannot be disposed on the interior of a *second* sidewall of the chassis, opposite the *first* sidewall. /The slidable locks 74 of the Raffman reference

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simply are not disposed on different, much less opposite, sidewalls of the cassette 24.
Therefore, the Raffman reference does not teach, suggest, or disclose all of the recited features of independent claim 1.

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is necessary

Other recited features of claim 1 that are not taught, suggested, or disclosed by the Raffman reference are:

a first and a second operator, wherein the first operator is disposed on the exterior of the first sidewall and secured through the chassis to the first catch member and the second operator is disposed on the exterior of the second sidewall, the first and second operators being adapted to move the first and second catch members in the second direction to release the first and second latch members.

As discussed above, each of the slidable locks 74 has a hook portion 77 for hooking a latch projection 90 on the cover or door 37. The Raffman reference discloses that each slidable lock 74 has a finger piece 75 by which to manually slide the slidable lock 74 from the normal position. If the slidable locks 74 are on the *interior* of the first sidewall, as the Examiner suggests, then the finger pieces 75 cannot be on the exterior of the first sidewall. In addition, the slidable locks 74 of the Raffman reference are located on the same side of the hollow frame 24, i.e., one finger piece 75 is not located on one sidewall of hollow frame 24 with the other slidable lock 74 being located on a second sidewall of the hollow frame 24. Furthermore, the slidable locks 74 of the Raffman reference are operated in opposite directions, not in the same direction.

In the Office Action, the Examiner cited *In re Japikse*, 86 U.S.P.Q. 70, and stated that:

[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the first and second catch members on opposite sidewalls of the chassis and the latch members on opposite

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sides of the panel, since it has been held that rearranging parts of an invention involves only routine skill in the art.

The Examiner has misstated the Court in *Japikse*. In *Japikse*, the Court stated that: "there would be no invention in shifting the starting switch disclosed by Cannon to a different position since the operation of the device *would not thereby be modified.*" In *re Japikse*, 86 U.S.P.Q. 70, 73 (Ct. Claims 1950). Thus, it is only if the operation of the device is not modified by the shift of the switch to a different position that the rearrangement of the device is not patentable. Positioning the Raffman latches on opposite sidewalls of the cassette is not a simple rearrangement of parts because the operation of the cassette is affected. *How it is affected, The operation of the cassette is affected*

The Raffman reference discloses locks or latches that release in *opposite* directions so that "if one lock is accidentally released, the other will retain the cover closed." Col. 1, lines 33-35. In addition, the Raffman reference states that: "The slidable locks 74 are directed in opposite directions so that when the cassette is accidentally dropped and possibly one lock is caused to open, the other will remain closed." Col. 5, lines 23-27. Thus, the Raffman reference actually teaches away from disposing the slidable locks 74 on the sides of the chassis. A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or *would be led in a direction divergent from the path that was taken by the applicant.* In *re Gurley*, 27 F.3d 551, 31 U.S.P.Q.2d 1130 (Fed. Cir. 1994). A person of ordinary skill, upon reading the Raffman reference would be led to disposing slidable locks on the same side of the chassis, not on opposite sides of the chassis. Moreover, if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. M.P.E.P. § 2143.01 (citing *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984)). "The mere fact that a worker in the art could rearrange the parts of a reference device ... is not by itself sufficient to support a

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 sides. Leads
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 No it leads
 however both
 locks not open
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 both will not
 open.*

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finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, *without the benefit of appellant's specification*, to make the necessary changes in the reference device." M.P.E.P. § 2144.05 (quoting *Ex parte Chicago Rawhide MFG Co.*, U.S.P.Q. 3512, 353 (Bd. Pat. App. & Inter. 1984) (emphasis added). Accordingly, the Raffman reference does not teach, suggest, or disclose "a first and a second operator, wherein the first operator is disposed on the exterior of the first sidewall and ... the second operator is disposed on the exterior of the second sidewall, the first and second operators being adapted to move the first and second catch members in the second direction to release the first and second latch members."

what claim #7?
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75 of Raffman.

Furthermore, the finger pieces 75 are not "secured through the chassis to the" hook portion 77. Each finger piece 75 and hook portion 77 are part of a single slidable lock 74 piece. Thus, the finger piece 75 and hook portion 77 disclosed in the Raffman reference are not *secured* to each other, or secured through the chassis. Thus, the Raffman reference does not teach, suggest, or disclose "a first and a second operator, wherein the first operator is disposed on the exterior of the first sidewall and *secured through the chassis* to the first catch member."

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For all these reasons, independent claim 1 is patentable over the Raffman reference. Withdrawal of the rejection and allowance of independent claim 1, and claims 2 and 4-15, which depend therefrom, are respectfully requested.

Claims 17-19

Some of the recited features of independent claim 19 that are not taught, suggested, or disclosed by the Raffman reference are:

a third surface configured for sliding engagement with the second latch as the access panel is pivoted towards a closed position on the chassis when the securing member is

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disposed on a *second side* of the chassis, *opposite the first side*; and

a fourth surface configured to restrict movement of the second latch when the securing member is disposed on *second side* of the chassis, the third surface and fourth surface being oriented symmetrically about an axis with the first surface and second surface.

In the Office Action, the Examiner stated that:

As concerns claim 11 and 19, Raffman '398 does not explicitly disclose third engaging/third surface portion and securing portion/fourth portion symmetrical with the second engaging and securing portions. However, it has been held that mere duplication of the essential working parts of a device involves only routine skills in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide third engaging/third surface portion and securing/fourth surface portion symmetrical with the second engaging and securing portions.

The third and fourth surfaces are not mere duplications of the first and second surfaces. The first and third surfaces are utilized when the securing member is located on a first side of the chassis and the third and fourth surfaces are utilized when the securing member is located on a second side of the chassis, opposite the first side. The symmetry of the securing member allows a *single* design to be used on opposite sides of the chassis. It is not a "mere duplication of parts" if the duplication generates a new and unexpected result. *See* M.P.E.P. § 2144.04 (discussing *In re Harza*, 274 F.2d 669, 124 U.S.P.Q. 378, 380 (CCPA 1960), which held that mere duplication of parts has no patentable significance *unless a new and unexpected result is produced*)). Also, it is not a "mere" duplication of parts if a synergistic effect results. *See St. Regis Paper Co. v. Bemis Co.*, 193 U.S.P.Q. 8, 11-12 (7th Cir. 1977) (holding that a combination may be patentable if it is synergistic, or in other words, results in effect greater than sum of several effects taken separately). Thus, the

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third and fourth surfaces are not mere duplications of the first and second surfaces. Therefore, claim 19 is patentable over the Raffman reference. Withdrawal of the rejection and allowance of independent claim 19, and claims 17 and 18, which depend therefrom, are respectfully requested.

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Claims 25-27

Some of the recited features of independent claim 25 that are not disclosed, taught, or suggested by the Raffman reference are:

securing one of the plurality of catch members to one of the plurality of manual operators through the first opening in the first sidewall; and

As discussed above, the Raffman reference discloses a cassette 23 having a hollow or solid metal or bounding frame 24. Each of the slidable locks 74 has a hook portion 77 for hooking a latch projection 90 on the cover or door 37. The Raffman reference also discloses that each slidable lock 74 has a finger piece 75 by which to manually slide the slidable lock 74 from the normal position. The Raffman reference does not teach, suggest, or disclose securing a hook portion 77 of a slidable lock 74 to a finger piece 75 of the slidable lock 74. Therefore, the Raffman reference does not teach, suggest, or disclose all of the recited features of independent claim 25. Thus, independent claim 25, and claims 26 and 27, which depend therefrom, are patentable over the Raffman reference. Withdrawal of the rejection and allowance of claim 25-27 are respectfully requested.

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Conclusion

In view of the above remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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